

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:16-cr-00111-D-6

UNITED STATES OF AMERICA :  
:  
v. :  
:  
NIRILLO LACHO ALLEN-KEARNEY :  
:

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, pursuant to the entry of the Memorandum of Plea Agreement entered into by the defendant, NIRILLO LACHO ALLEN-KEARNEY, on May 22, 2017, the following property is hereby forfeitable pursuant to 18 U.S.C. § 982 (a) (1), to wit:

- (a) Glock 27, 40 caliber handgun, serial number UKX424;
- (b) Herstal FN 5.7x28 handgun, serial number 386266886;
- (c) Breitling men's wristwatch with diamonds located at 2530 Erwin Road, Apartment 476, Durham, North Carolina;
- (d) Miscellaneous seized ammunition;
- (e) 2004 Ford Truck, VIN 1FDWW37P44EA36162;
- (f) 2000 black Ford Super Duty Truck VIN # 1FTWX33F9YEC78563
- (g) Remington 870 Express 12-gauge shotgun, serial number W900342M;
- (h) Rossi .38 caliber revolver, serial number W040452;
- (i) Herrington and Richardson 410 caliber shotgun, serial

number HL2006005;

(j) Springfield XD .40 caliber pistol & ammunition; and

(k) \$14,000 in United States Currency located at 224 Dover Cottage Lane, Cary, NC.; and

WHEREAS, by virtue of said Memorandum of Plea Agreement and the defendant's agreement therein, the United States is now entitled to possession of said property pursuant to 21 U.S.C. § 853;

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the Memorandum of Plea Agreement as to the defendant, NIRILLO LACHO ALLEN-KEARNEY, the United States is hereby authorized to seize the above-stated property, and it is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n), as allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A), this Order is now final as to the defendant.

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(4)(B).

3. That pursuant to 21 U.S.C. § 853(n), the United States

shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General or the Secretary of Treasury directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853, as required by Fed. R. Crim. P. 32.2(c)(2).

SO ORDERED. This 12 day of September, 2017.

J. Dever  
JAMES C. DEVER III  
Chief United States District Judge